

Insurance

Professionals

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Insurance plays a major role in countless legal and business disputes. Understanding how insurance fits into the analysis can positively impact the resolution. Nexsen Pruet's Insurance Practice Group understands the many facets of insurance disputes and stands ready to provide insurance carriers, businesses, and individuals the kind of cost-effective, skilled representation that is needed.

Deep experience in insurance

Our insurance attorneys represent clients in many insurance-related matters, including substantial work in organization, licensing, regulation, examination and rate regulation in both the administrative and litigation areas. In addition, we are involved in direct representation of insurance companies in litigation and in the representation of their insureds, primarily in defense areas.

We have significant experience and resources in researching and drafting insurance coverage opinions for insurers, handling their coverage and bad faith litigation, and representing them in regulatory compliance matters. Nexsen Pruet attorneys represent clients at the state, regional and federal level.

Diverse capabilities in many areas

Nexsen Pruet's diverse insurance practice enables us to handle routine and complex matters for commercial general liability, auto liability, property/casualty, life and health insurers, as well as for insureds, in first-party and third-party disputes. Our attorneys have years of experience handling professional liability claims for a variety of professions.

We also have extensive legal experience in litigation matters involving serious bodily injury, wrongful death, major property damage, business torts, intellectual property, lost profits, and declaratory, equitable, and injunctive relief. We have considerable courtroom experience and skills and have handled many insurance matters through trial and appeals in state and federal courts.

Our practice areas include:

- Advertising injury liability claims
- Alternative dispute resolution
- Arson/fraud/inflated claims
- Auto liability claims
- Bad faith/extra-contractual claims
- Business interruption claims
- Defense of first- and third-party liability claims
- Directors and officers liability claims
- Employment practices liability claims
- Environmental claims (pollution)
- ERISA claims
- Errors and omissions claims
- Excess and surplus lines claims
- Fidelity and surety claims
- Financial institution liability claims
- Insurance application misrepresentation claims
- Insurance fraud
- Life insurance claims
- Health/accident/disability claims
- Insurance agency claims
- Mediation/arbitration of insurance disputes
- Premises liability
- Premium disputes
- Professional liability claims
- Property/casualty/liability coverage claims
- Property subrogation claims
- Regulatory/licensing compliance
- Risk management
- Title insurance claims
- Trigger/allocation
- Underwriting

→ Unfair claim settlement practices claims

We excel at property subrogation

Our Property Subrogation and Recovery team regularly represents clients involved with all sorts of property loss cases, many of which are extremely complex. Our team handles complex multi-party cases involving fire losses, water and flood-related property losses, catastrophic structural failures, construction deficiencies, and mechanical and electrical defects and errors. We specialize in recovering monies for our insurance clients.

Experience in claims resulting from catastrophes

Our attorneys also have extensive experience in handling insurance matters that result from natural and manmade disasters, including the floods and hurricanes that so often plague the Carolinas, acts of nature, explosions, and fires. Beyond that, we are skilled in the numerous issues that can emerge from disasters, such as bad faith claims, errors and omissions, mishandled claims, business interruption, and the failure of agencies to procure appropriate coverage or policy limits.

Additionally, Nexsen Pruet's Insurance Practice Group has worked extensively with federal government agencies, from FEMA to the Small Business Administration.

Premises liabilities experience

The firm represents self-insured clients owning stores and other properties in negligence claims brought against them for personal injury on premises. This includes shoppers slipping and falling, boxes or displays falling onto shoppers, and shoppers tripping over objects in the store. We have represented a wide range of grocery store chains, retailers, restaurants, and others in these kinds of claims.

A related area of the law involves claims for false imprisonment, malicious prosecution, or defamation made by customers who believe they were wrongly accused of shoplifting, or who were wrongly reported to have written a bad check. These kinds of claims arise often in a retail setting, and we have handled these for insurance company and retail clients.

News

03.28.2019 | News from Nexsen Pruet

Cheryl Shoun Recognized in JD Supra's 2019 Readers' Choice Awards

Insights

11.02.2021 | Article

Update: Enforcement of Hospital Price Transparency Rules

05.04.2021 | Article

February 2021 Fourth Circuit Tort & Insurance Cases of Interest

08.20.2019

Another Look at Arbitration: A Power of Attorney Does Not Need to Specifically Grant Authority to Enter Into an Arbitration Agreement

08.06.2019

An Insurer is Not Required to Make a New Offer of UIM Coverage Upon a Mere Change of an Existing Policy

07.30.2019

Insurance Policy Notice and Cooperation Clauses Survive Challenge

07.23.2019

Rule 59(b) Interpretation: The S.C. Court of Appeals Looks Beyond the Literal Language to Effectuate the Purpose of the Rule

07.09.2019

Premises Liability: Comparative Negligence Is Not a Defense in Child Trespasser Case

07.02.2019

Right to Enforce Arbitration Is Waived Upon Default

06.25.2019

When Does the Insured's Failure to Provide Notice of Suit and Failure to Cooperate Establish Substantial Prejudice to the Insurer?

06.18.2019

The South Carolina Supreme Court Addresses Waiver of Attorney-Client Privilege in Bad Faith Actions

06.11.2019

Insurance Policies: Where Is the Proper Balance Between Limitation of Liability and Adherence to Public Policy

06.04.2019

South Carolina Contribution Among Tortfeasors Act Set-Offs: When They Must Be Made

05.28.2019

Denial of Motion to Compel Arbitration Under the FAA Results in Stay of Case Upon Appeal

05.22.2019

2019 Flood Insurance Update

05.21.2019

Interpleader with a Side of Motion for More Definite Statement

05.07.2019

Arbitration Agreements and Powers of Attorney Both Subject To Strict Construction

04.30.2019

Public Policy Exception to Application of Foreign Law – What Does That Mean in South Carolina?

04.16.2019

Can Arbitration Be Enforced Against Non-Signatories to a Contract?

04.09.2019

False Imprisonment and Malicious Prosecution: Where the Lines are Drawn for Victims and Witnesses

03.26.2019

Landlords Take Heed – Attempts to Provide Security to Tenants May Not Be Viewed Differently

03.19.2019

Dismissal of an Action for Failure to State Facts Sufficient to Constitute a Cause of Action - Does That Automatically Result in the Right to Amend?

03.12.2019

Insurer Must Assume Defense to be Liable for Failure to Settle Under Tyger River Doctrine

03.06.2019

Insurer's Duty to Indemnify – Fourth Circuit Looks at Insured's Failure to Comply with Policy Provisions

02.26.2019

Discovery - Be Careful Out There

02.19.2019

South Carolina Unfair Trade Practices Act: When Acts Are Not Capable of Repetition and Other Important Issues

02.12.2019

Insurer Defeats Business Interruption Claim on Property Insurance Policy and Accompanying Bad Faith Claim in Federal Court in North Carolina

02.05.2019

Malicious Prosecution – Can It Result From Filing A Lis Pendens?

01.29.2019

Insurer's Purported Duty to Investigate a Claimant's Competency

01.22.2019

Allstate v. Hunter

01.15.2019

South Carolina Supreme Court Clarifies Statute of Repose

12.18.2018

Binding Nonsignatories to Arbitration Agreements

12.11.2018

Premises Liability: A Refresher

12.04.2018

South Carolina Judgments; No Exception to Strict Interpretation of 10 Year Limitation

11.27.2018

Insurer's Enforcement of Arbitration Clause in Underinsurance Coverage – Is It Possible?

11.20.2018

Nexsen Pruet's Torts, Insurance and Products Blog: Most Popular Highlights 2018

11.13.2018

A Bar, an Injury, an Assault & Battery Exclusion and Coverage

11.06.2018

Arbitration: Again Favored as a Means of Dispute Resolution

10.30.2018

Determination of Residency and Underinsured Coverage – Is the Legislature Watching?

10.23.2018

Collateral Source Rule - Is Change Coming to South Carolina?

10.16.2018

A Look at Jury Charges, Directed Verdicts, Single Enterprise Theory, Election of Remedies and Setoff

10.09.2018

Critical Issues to a Determination of Coverage and Effective Reservation of Rights

10.02.2018

Declaratory Judgment Action Provides Reminder of Factors Considered by the Court in Assessing Coverage

09.25.2018

Uninsured Motorist Coverage Requires Eyewitness - Circumstantial Evidence Is Not Enough

09.18.2018

National Flood Insurance Program - Not Your Average Claims

09.11.2018

The South Carolina Property and Casualty Insurance Guaranty Association Act and Further Guidance on Statutory Interpretation

08.28.2018

South Carolina Supreme Court Clarifies Successor Liability

08.27.2018

Litigators obtain Temporary Restraining Order against federal government relative to Medicare overpayment appeals

08.22.2018

Tripartite Relationship: Insurers Suing Panel Counsel Lawyers

08.21.2018

Declaratory Judgement by Insurer: The court provides a limitation on attorney's fees and a definition of "prevailing party" under Federal Rule 54

08.14.2018

Typed or Written; Ambiguity or Conflict - It's All About the Insurance Contract

08.07.2018

A Look at Coverage Under a Personal Liability Umbrella Policy

07.31.2018

Bad Faith Actions in South Carolina: Will Attorney-Client Privilege Survive?

07.24.2018

Assault and/or Battery Exclusions - Is the Chain of Events "Immediate and Direct?"

07.19.2018

Additional Insured Coverage and Primary/Excess Priority Disputes, Oh My

07.17.2018

Piercing the Corporate Veil: South Carolina Formally Recognizes Single Enterprise Theory

07.10.2018

Insurers Take Heed: South Carolina Law Does Not Require Apportionment of Punitive Damages

07.03.2018

In Case You Were Wondering About Amount in Controversy...

06.26.2018

Fourth Circuit Offers a Quick Look at Defamation in South Carolina

06.19.2018

Continued Support for Forum Selection Clauses

06.12.2018

A Pleading Primer

06.05.2018

South Carolina Supreme Court: Insurer May Sue Defense Counsel in Malpractice

05.29.2018

The United States District Court Takes Another Look at South Carolina's Statute of Repose

05.22.2018

Reconsideration of Interlocutory Orders

05.21.2018

Interesting and Useful Cases in Torts and Insurance

05.15.2018

Can a Third Party Seek a Declaration of an Insurer's Duties Under Its Policy?

05.09.2018

Interesting and Useful Cases in Torts and Insurance

04.24.2018

Insurer's Successful Declaratory Judgment Action Provides a Refresher on Insurable Interest

04.17.2018

South Carolina's Support of Arbitration Continues to Grow

04.10.2018

Mediation, Confidentiality and Set-Off

04.03.2018

Trade Creditor Lacks Standing to Sue Judgment Debtor's Insurer for Deceptive Trade Practices

03.27.2018

Federal Declaratory Judgment Act

03.13.2018

Unlicensed Lawyers and Undue Influence – Setting Aside Deed Rejected

03.06.2018

Will the "Real" Representative Please Stand

02.27.2018

Amount in Controversy for Diversity Jurisdiction:

02.20.2018

The Evolution of Ripeness Affords Additional Opportunities for Declaratory Judgment Actions

02.13.2018

Late Notice Under Claims-Made Policy Torpedoes Claim

02.06.2018

IRAs and 401(k)s Are Safe From Judgments – For Now

01.30.2018

Not Every Refusal to Provide Coverage Equals Bad Faith

01.26.2018

NC Legislative Update: January 26, 2018

01.23.2018

Statutory Construction is Powerful

01.16.2018

John Doe Removals to Federal Court – Not so Fast!

01.09.2018

South Carolina's Statute of Repose

10.10.2017

South Carolina Unfair Trade Practices Act